

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MARIO LACY,
Plaintiff.

v.

WILLIAM J. FEENEY, JR.,
KENNETH HEARNS, JEAN
MOSES ACLOQUE and THE CITY
OF BOSTON,
Defendants.

CIVIL ACTION NO. 04-11492-WGY

DEFENDANTS' PROPOSED VERDICT ON SPECIAL QUESTIONS TO THE JURY

1. Do you find that the plaintiff, Mario Lacy, has established by a preponderance of the evidence that the defendants performed an anal body cavity search on him?

Jean Moises Acloque Yes _____ No _____
Kenneth Hearns Yes _____ No _____

If you responded yes to any, please proceed to question 5.

If you responded no to all, please proceed to question 2.

2. Do you find that the plaintiff, Mario Lacy, has established by a preponderance of evidence that defendant Kenneth Hearns performed a strip search on him?

Kenneth Hearns Yes _____ No _____

If you responded yes, please proceed to question 3.

If you responded no, please stop.

3. Was there reasonable suspicion to strip search the plaintiff on July 14, 2001

Yes _____ No _____

If yes, please proceed to question 4.

If no, please proceed to question 5.

4. Was there probable cause to strip search the plaintiff on July 14, 2001.

Yes_____ No_____

If yes, please stop.

If no, please proceed to question 5.

5. Has the plaintiff proven by a preponderance of the evidence that William Feeney's action or inaction as a supervisor, amounted to deliberate, reckless or callous indifference to the federal constitutional rights of the plaintiff and if yes, can his action or inaction be affirmatively linked to any misconduct of his subordinates.

Yes_____ No_____

If yes, please proceed to question 6.

If no, but you answered yes to question 1 and no to either question 3 or 4, please proceed to question 6.

6. Was the search the proximate cause of any damages suffered by the plaintiff.

Yes_____ No_____

If you responded yes please proceed to question 7.

If you responded no, please stop.

7. What amount of damages, if any, do you award to the plaintiff in compensatory damages.

Amount _____

Date

Foreperson